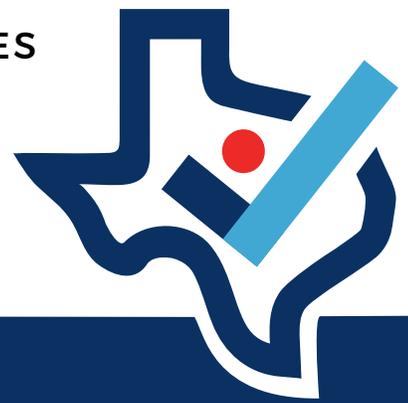


House Bill (HB) 381

Rep. Senfronia Thompson



Prohibition on the Death Penalty for People with Intellectual Disabilities

HB 381 would prohibit the death penalty from being applied in Texas to a person with an intellectual disability. It would set up a standardized process for the determination of intellectual disability prior to the trial. This would bring the state in line with U.S. Supreme Court rulings in *Atkins v. Virginia* and *Moore v. Texas*.



The U.S. Supreme Court has ruled it unconstitutional to seek the death penalty for individuals with intellectual disabilities. But the court found Texas' current process for determining intellectual disability to be "antiquated, outdated, and not based in science."



The Texas Court of Criminal Appeals has explicitly called for a statutory framework for pretrial determinations of intellectual disability, stating that, "its continued absence portends serious consequences for our criminal-justice system."



Current and past supporters of the legislation include the Arc of Texas, Disability Rights Texas, the Texas Catholic Conference of Bishops, the American Civil Liberties Union of Texas, and others.

"As a result of no statutory scheme [to determine intellectual disability], the courts have been left to fashion their own procedures...and that has resulted in a chaotic array of varying procedures, which is really the unacceptable way of determining whether somebody is constitutionally exempt from a capital trial and a death sentence."

Public comment on HB 381 to the House Criminal Jurisprudence Committee, February 2023

